

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 02-48
Table of Allotments,)	RM-10386
FM Broadcast Stations.)	
(Cuthbert and Buena Vista, Georgia))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 3, 2002

Released: July 19, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it the Notice of Proposed Rule Making, 17 FCC Rcd 44554 (2002) (“Notice”), issued in response to a petition for rule making filed by Alaga Communications Corp. (“Petitioner”), licensee of Station WMRZ(FM), Channel 264C3, Cuthbert, Georgia. Petitioner requests the reallocation of Channel 264C3 to Buena Vista, Georgia, as that community’s first local aural transmission service, and the modification of Station WMRZ’s license to specify Buena Vista, Georgia, as its community of license. Petitioner filed comments reaffirming its proposal and reiterating its intent to implement its proposal if the reallocation of Channel 264C3 to Buena Vista occurs. No other party filed comments or any other pleading in this proceeding. For the reasons stated below, we grant Petitioner’s request to change its community of license to Buena Vista.

2. Petitioner filed its request to reallocate Channel 264C3 to Buena Vista, Georgia, pursuant to the provisions of Section 1.420(i) of the Commission’s Rules, which permits the modification of a station’s authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.¹

3. We believe that the public interest would be served by reallocation of Channel 264C3 from Cuthbert to Buena Vista because Buena Vista would receive its first local aural transmission service. The reallocation of Channel 264C3 to Buena Vista would not deprive Cuthbert of its sole local aural transmission outlet because Cuthbert would continue to be served by AM Station WCUG. Therefore, in accordance with the provisions of Section 1.420(i) of the Commission’s Rules, we will modify the license of Station WMRZ(FM) to specify operation on Channel 264C3 at Buena Vista, Georgia.

4. Channel 264C3 can be allocated to Buena Vista, Georgia, in conformity with the technical requirements of the Commission’s Rules, utilizing Petitioner’s requested site at the coordinates of 32-11-57 North Latitude and 84-35-07 West Longitude. The transmitter site has a restriction of 14.7 kilometers (9.2 miles) southwest of Buena Vista, Georgia.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and

¹ See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 3, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Cuthbert, Georgia	-----
Buena Vista, Georgia	264C3

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Alaga Communications Corp, for Station WMRZ(FM), Cuthbert, Georgia, IS MODIFIED to specify operation on Channel 264C3 at Buena Vista, Georgia, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(l)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Alaga Communications Corp., licensee of Station WMRZ(FM), is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license.

8. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

9. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau